



Attorney Docket No.: IMMR-022/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Gregory L. MERRIL et al.

Serial No.: 09/811,358

Examiner: John P. Leubecker

Confirmation No.: 7776

Art Unit: 3739

Filed: March 16, 2001

For: **METHOD AND APPARATUS FOR CONTROLLING FORCE FOR
MANIPULATION OF MEDICAL INSTRUMENTS**

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Issue Fee
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

A statement of reasons for allowance was set forth in the Notice of Allowance mailed on July 14, 2004, in connection with the above-identified application.

While the Applicants agree that the pending claims are allowable for at least the reasons set forth in the Examiner's statement, the Applicants submit that the invention as recited by the claims and as described in the present application is patentable over the art of record for reasons in addition to those listed in the Examiner's statement. For example, Applicants note that the Examiner's statement paraphrases various elements of the independent claims. Applicants note that the language of the claims as allowed defines the invention and the language in the Examiner's statement should not be construed as limiting the claims in any manner. Moreover, the claims contain recitations in addition to those stated by the Examiner that provide additional bases for patentability

over the art of record. Accordingly, the Applicants reserve the right to pursue claims of different scope than those in the present application. For example, such claims may not necessarily need to include the elements identified in the Examiner's Statement of Reasons for Allowance in the present application.

This statement commenting on the reasons for allowance is timely submitted.

Dated: October 1, 2004

Respectfully submitted,
COOLEY GODWARD LLP

By:



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ISSUE FEE TRANSMITTAL

Transmitted herewith are the following documents:

- Issue Fee Transmittal (Form PTOL-85) for the above-identified application.
- Comments on Statement for Reasons for Allowance

Fees:

- Issue Fee of \$1,370.00
- Publication Fee of \$ 300.00
- Other Fees: \$ 15.00 for 5 patent copies.

Total fee: \$1,685.00

Payment of Fees:

- Check in the amount of \$1,685.00 for the total fee is attached.
- Please charge \$__ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: October 1, 2004

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